

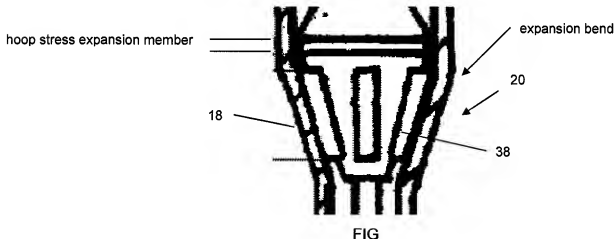
## REMARKS

This is intended as a full and complete response to the Final Office Action dated December 18, 2009, having a shortened statutory period for response set to expire on March 18, 2010. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Rejections - 35 U.S.C. § 102***

The Examiner rejected claims 1-3, 6-19, 22, 23, 25, 29-35, 42, 43, 49, 52, 53, 63-65, and 98-100 under 35 U.S.C. § 102(e) as being anticipated by Metcalfe (US Patent 6,543,552 B1). Applicants respectfully traverse the rejection.

According to the Examiner, the '552 patent discloses an apparatus for lining a wellbore having an expansion device (20) having expansion members (38) adapted to expand a tubing by inducing a compressive yield and an expansion member (see "FIG" below), comprising of an expansion cone, adapted to expand a tubing by inducing a hoop stress in the tubing such that the compressive yield expansion members (38) expands a tubing (18) to a first diameter and the hoop stress expansion member expands the tubing to a second larger diameter.



According to MPEP 2125, drawings and pictures can anticipate claims if they clearly show the structure which is claimed. *In re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). This requirement is not met by the figures of the '552 patent. The

figures in the '552 Patent do not clearly show that the "hoop stress expansion member" identified by the Examiner expands the tubular by inducing a hoop stress. The figures merely show that the first expander section rollers (38) expand the tubular (and that the tubular is further expanded by other rollers). This is evidenced by the fact that the upper outer edge of the rollers (38) coincide with an expansion bend of the tubular (18), as shown in the FIG above. The FIG also shows the walls of the tubular (18) straighten after the expansion bend. Additionally, the "hoop stress expansion member" is positioned after the expansion bend of the tubular, and the walls of the tubular (18) are straight before and after the "hoop stress expansion member," as shown in the FIG. As such, the FIG does not teach or suggest that the "hoop stress expansion member" performs any expansion at all, let alone "expand a tubing by inducing a hoop stress in the tubing."

At best, the FIG suggests that the "hoop stress expansion member" identified by the Examiner is in contact with the walls of the tubular (18). However, "contact" does not equate to "expansion." There is clearly no indication that contact between the "hoop stress expansion member" and the tubular expands the tubular (18) or is even capable of expanding the tubular (18). In fact, the opposite is shown by the figures, as indicated by the straight wall section before and after the "hoop stress expansion member."

Moreover, expansion of the tubing using the "hoop stress expansion member" is not described anywhere in the specification of the '552 patent. The specification discloses at column 5, line 65 through column 6, line 1, that

the first expander section rollers 38 move in rolling contact around the inner wall of the tubing 18, and expand the tubing to an intermediate diameter 54.... The second expander section 32 produces a further expansion of the tubing 18.

The figures in the '552 patent are consistent with this description, in that the walls of the tubular (18) are straight between the expansion bend and the second expand section 32, including the section before and after the "hoop stress expansion member." Even Mr. Simpson, a co-inventor of the '552 patent, has stated in a previously filed declaration that the "hoop stress expansion member" identified in the FIG does not expand the tubing by inducing a hoop stress. Thus, the Examiner's position is neither supported by the figures, nor corroborated by the description.

Because the figures in the '552 patent do not reasonably disclose or suggest to one of ordinary skill in the art that the "hoop stress expansion member" identified by the Examiner expands the tubular, the '552 patent is precluded from anticipating claims 1 and 100. Therefore, Applicants respectfully request withdrawal of the § 102(b) rejection of claims 1 and 100 and allowance of the same. Additionally, Applicants believe the claims depending from claims 1 and 100 are allowable for at least the same reasons as claims 1 and 100.

***Claim Rejections - 35 U.S.C. § 103***

The Examiner rejected claim 44 under 35 U.S.C. § 103(a) as being unpatentable over the '552 patent in view of Lauritzen (U.S. 6,722,441 B2). Applicants respectfully traverse the rejection.

Claim 44 depends from claim 1. As set forth above, the '552 patent fails to teach all of the limitations of claim 1. Further, Lauritzen fails to cure the deficiencies of the '552 patent. As such, the combination of the '552 patent and Lauritzen fails to render claim 44 obvious. Therefore, Applicants respectfully request withdrawal of the rejection.

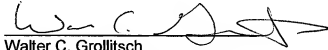
***Allowable Subject Matter***

The Examiner indicated that claim 45 is allowed. Applicants acknowledge allowance of this claim.

**Conclusion**

Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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